



MEMO ENDORSED

HON. SYLVIA O. HINDS-RADIX
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LAW DEPARTMENT
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September 22, 2023

BY ECF

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Daniel Gill v. Giuliani, et al.
23 Civ. 4087 (LAK)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney representing defendants City of New York, Matthew McCarthy, Charles Milatta, James Coughlin, and Michael Levay ("City defendants") in the above-referenced matter. Defendants write to respectfully request an additional two weeks, until October 10, 2023, to respond to the Amended Complaint. This is the first request for an extension of time to respond to the Amended Complaint and plaintiff's counsel, Ronald Kuby, consents to this request.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, false arrest arising from plaintiff's arrest on or about June 26, 2022. Plaintiff names Rudolph Giuliani, the City of New York, Police Officer Matthew T. McCarthy, Detective Michael Levay, Sergeant Milatta, Sergeant James Coughlin, and supervisor John Doe(s) as defendants in this action. On August 21, 2023, the City defendants moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and on September 12, 2023, plaintiff filed an Amended Complaint. See ECF Nos. 33 – 35, 40.

It is the City defendants' intention to move to dismiss the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). However, due to a number of pressing deadlines in other matters, the undersigned respectfully requests additional time to draft defendants' motion papers. Accordingly, defendants respectfully request an additional two weeks to move to dismiss and request the Court's endorsement of the following proposed briefing schedule:

- i. City defendants serve and file their motions papers on or before October 10, 2023;
- ii. Plaintiff serve and files his opposition, if any, on or before November 7, 2023;
- iii. City defendants serve and file their reply on or before November 21, 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Inna Shapovalova

Inna Shapovalova
Senior Counsel

cc: **By ECF**
Ronald Laurence Kuby, Esq.
Rhidaya Shodhan Trivedi, Esq.
Attorneys for plaintiff

Granted.

SO ORDERED.

/s/ Lewis A. Kaplan
Lewis A. Kaplan
United States District Court Judge

Dated: September 22, 2023